

PUBLIC HEARING NOTICE

NOTICE IS HEREBY GIVEN that on September 8, 2009 at 6:00 p.m. at the Wheatland Community Center, 101 C Street, Wheatland, California, the Wheatland City Council will hold a public hearing to consider the approval of an ordinance to add a chapter to the Wheatland Municipal Code to regulate the discharge of fats, oils and grease (FOG) into the City sewer system, to specify and impose FOG pretreatment, grease interceptor/trap and other appropriate FOG discharge requirements and limitations for food service establishments, to authorize new sewer service fees to implement the FOG program, and to provide for administration and enforcement of the FOG program. All interested persons are invited to attend the hearing and present written and/or oral comments on the proposed ordinance. The proposed ordinance is on file with the City Clerk and available for public inspection and copying at Wheatland City Hall, 111 C Street, Wheatland, California, during regular business hours.

Dated: August 28, 2009
Lisa J. Thomason, City Clerk



City of Wheatland

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CITY COUNCIL MEETING STAFF REPORT

Date: September 8, 2009

Agenda Item: 5.2

Subject: FOG (Fats, Oils & Grease) Ordinance

Prepared by: Larry L. Panteloglou Sr.

Approved: 
Stephen L. Wright
City Manager

Recommendation: City Council waive the reading and introduce the attached ordinance regarding discharges of fats, oils and grease to the sewer system by adding Chapter 13.22 to the Wheatland Municipal Code.

Discussion: State Water Resources Control Board Order No. 2006-0003-DWQ mandates statewide general waste discharge requirements for sanitary sewer systems to follow. This mandate includes a provision that local agencies adopt an ordinance implementing these requirements. The regulations primarily relate to commercial food service establishments (FSE). The ordinance requires pretreatment and grease traps, record keeping, permits, fees for annual inspections and enforcement provisions. The mandated due date for cities with a population served over 2,500 is November 2, 2009. The attached ordinance has been modeled after surrounding larger agencies that had earlier mandate dates. It has been reviewed by the Public Works Director, City Engineer and City Attorney.

Alternatives: The Council could request modifications of the ordinance to the extent that it still complies with State mandates.

Fiscal Impact: Costs will be incurred for Inspection time at (FSEs) and documentation of inspections for state Inspectors during annual inspections of the City of Wheatland. Costs are yet to be set by the Public Works Director and City Engineer. Staff will return to the Council with a fee resolution prior to implementation of the ordinance.

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF WHEATLAND
ADDING CHAPTER 13.22 TO THE
WHEATLAND MUNICIPAL CODE REGARDING
DISCHARGES OF FATS, OILS AND GREASE TO THE SEWER SYSTEM**

The City Council of the City of Wheatland does ordain as follows:

SECTION 1. Purpose and Authority. The purpose of this ordinance is to regulate the discharge of fats, oils, and grease into the public sewer. This ordinance is adopted pursuant to California Constitution, article 11, section 7, Government Code section 38900, Health and Safety Code section 5471, California Plumbing Code section 1014, State Water Resources Control Board Order No. 2006-0003-DWQ (statewide general waste discharge requirements for sanitary sewer systems), and other applicable authority.

SECTION 2. Chapter 13.22 Added. Chapter 13.22 is hereby added to the Wheatland Municipal Code to read as follows:

**Chapter 13.22 Discharges of Fats, Oils, and Grease from Food Service
Establishments.**

ARTICLE I. GENERAL PROVISIONS

13.22.010 Purpose.

- A. The purpose of this chapter is to facilitate the maximum beneficial use of the City's sewer services and facilities while preventing blockages of the sewer lines resulting from discharges of fats, oils, and grease (FOG) into the public sewer, and to specify appropriate FOG discharge requirements for food service establishments (FSEs) as defined herein.
- B. This chapter shall apply to both direct and indirect discharge of wastewater containing FOG to the public sewer.
- C. The provisions set forth in this chapter are designed to ensure compliance with federal, state and local laws and regulations, and to allow the City to meet applicable standards.
- D. This chapter also establishes quantity and quality standards on all discharges containing FOG, which may alone or collectively cause or contribute to FOG accumulation in the sewer facilities causing or potentially causing or contributing to the occurrence of sanitary sewer overflows (SSOs).

13.22.020 Definitions.

Unless otherwise defined herein, terms related to water quality shall be as adopted in the latest edition of Standard Methods for Examination of Water and Wastewater, published by the American Public Health Association, the American

Water Works Association and the Water Environment Federation. Testing procedures for waste constituents and characteristics shall be as provided in 40 Code of Federal Regulations at Part 136. Subject to the foregoing, the meaning of the terms used in this chapter shall be as follows:

- A. “Best management practices (BMPs)” means activities, prohibitions, maintenance procedures and other management practices to prevent or reduce the direct or indirect introduction of FOG into the public sewer that are known in the industry to be the most effective methods and means of practice.
- B. “Change in operations” means any change in the ownership, food types, or operational procedures that have the potential to change the amount of FOG discharged by FSEs in an amount that alone or collectively causes or creates a potential for SSOs to occur.
- C. “City” means the City of Wheatland, a municipal corporation.
- D. “Collection system” means portions of the public sewer consisting of all pipes, sewers and conveyance systems, which convey wastewater to the publicly owned treatment works (POTW), excluding privately owned sewer service lateral line connections.
- E. “Compliance schedule” means a time scheduled, enforceable under the provisions of this chapter, which contains increments of progress (e.g. milestones, in the form of dates). These milestones shall be for the commencement and/or completion of major events leading to the construction and/or operation of additional pretreatment facilities and/or the implementation of policies, procedures or operational management techniques required for permittees to comply with all applicable federal, state or local environmental regulations, which may directly or indirectly affect the quality of the permittee’s wastewater.
- F. “Composite sample” means a collection of individual samples obtained at selected intervals based on an increment of either flow or time. The resulting mixture (composite sample) forms a representative sample of the waste stream discharged during the sample period.
- G. “Director” means the Public Works Director or his or her authorized representative. The term “Director” shall also be synonymous with the “City.”
- H. “Discharger” means any person who discharges or causes a discharge of wastewater directly or indirectly to the public sewer.
- I. “Effluent” means any wastewater outflow from a FSE or privately owned sewer service lateral that is discharged into the public sewer.
- J. “Enforcement officer” means any City employee or agent of the City who, on behalf of the Director, has authority to enforce the provisions of this chapter and the authority to take any action required by this chapter.
- K. “Fats, oils, and grease (FOG)” means any substance, such as vegetable or animal product, that is used in, or is a byproduct of, cooking or food preparation processes, and that becomes or may become viscous, or solidifies or may solidify, with a change in temperature or other conditions that has the potential to accumulate in the collection system.
- L. “FOG control program” means the FOG control program developed by the City, pursuant to State Water Resources Control Board Order No. 2006-0003, and any subsequent modifications.

- M. "FOG wastewater discharge permit (FOG WDP)" means a permit issued by the City, subject to the requirements and conditions established by the City, authorizing a permittee to discharge wastewater from a FSE into the public sewer.
- N. "Food service establishment (FSE)" means a facility, including but not limited to, any commercial entity within the boundaries of the City, operating in a permanently constructed structure such as a room, building or place, or portion thereof, maintained, used or operated for the purpose of storing, preparing, serving or manufacturing, packaging or otherwise handing food for sale to other entities, or for consumption by the public, its members or employees, and which has any process or device that uses or produces FOG, grease vapors, steam, fumes, smoke or odors that are required to be removed by an exhaust hood pursuant to California Health and Safety Code section 114149.1 or in accordance with the California Uniform Retail Food Facilities Law (CURFFL) (California Health and Safety Code section 113700, *et seq.*). A limited food preparation establishment is not considered a FSE when it is engaged only in reheating, hot holding, and/or assembly of ready-to-eat food products, provided that there is no wastewater discharge containing a significant amount of FOG.
- O. "Food grinder" or "garbage disposal" means any device installed in the plumbing or sewage system for the purpose of grinding food or food waste.
- P. "Grab sample" means a sample taken from a waste stream on a one-time basis without regard to the flow in the waste stream and without consideration of time.
- Q. "Grease control device" means any grease interceptor, grease trap or other mechanism, device or process which attaches to, or is applied to, wastewater plumbing fixtures and lines, the purpose of which is to trap, collect and/or treat FOG prior to it being discharged into the public sewer. A grease control device may also include any other proven method to reduce FOG, subject to the approval of the Director.
- R. "Grease disposal mitigation fee" means a fee charged to a permittee when there are physical limitations that make installation of the usual and customary grease control device for the FSE impossible or impractical. The grease disposal mitigation fee is intended to cover the costs of increased maintenance of the public sewer as well as for the increased inspection and cleaning of FOG that a usual, customary and properly maintained grease control device would otherwise prevent from entering the public sewer.
- S. "Grease interceptor" or interceptor means a multi-compartment device that the California Plumbing Code generally requires to be located underground, on private property between an FSE and the connection to the public sewer. These devices primarily use gravity to separate FOG from the wastewater as it moves from one compartment to the next. To be effective, these devices must be regularly cleaned, maintained and have the FOG removed and disposed of in a proper manner, by the property owner at regular intervals.
- T. "Grease trap" means a grease control device that is used to serve individual plumbing fixtures and should only be used in those cases where the Director determines the use of a grease interceptor or other grease control device is impossible and/or impracticable. A grease trap is typically installed indoors, under or near a dishwashing sink.

- U. “Hot spot” means a point on a sewer line that has experienced SSOs or that must be cleaned or maintained frequently to avoid blockages of the public sewer.
- V. “Inflow” means water entering the public sewer system through a direct stormwater or runoff connection, which may cause an almost immediate increase in the wastewater flows in the public sewer.
- W. “Infiltration” means water entering the public sewer from the ground through such means as defective pipes, pipe joints, connections or manhole walls.
- X. “Inspector” means a person authorized by the Director to inspect any existing or proposed wastewater generation, conveyance, processing and/or disposal facilities.
- Y. “Manifest” means that receipt which is retained by a permittee for the disposal of FOG, recyclable wastes and/or liquid wastes.
- Z. “New Construction” means any structure planned or under construction for which a sewer connection fee has not been paid.
- AA. “Obstruction” means any discharge which, alone or in combination with discharges from other sources, inhibits or disrupts the public sewer, operations or is otherwise a violation of the Wheatland Municipal Code, including, but not limited to its waste discharge requirements.
- BB. “Permittee” means a FSE that has received a FOG WDP and is subject to the requirements and conditions of this chapter, or as otherwise established by the Director.
- CC. “Person” means any individual, partnership, co-partnership, firm, company, association, society, corporation, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine and the singular shall include the plural where indicated by context.
- DD. “Publicly owned treatment works (POTW)” means the wastewater treatment plant that is owned or operated by the City to treat and dispose of its sewage, including any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage and/or industrial wastes of a liquid nature and any conveyances which convey wastewater to the POTW.
- EE. “Public sewer” means a sewer which is controlled by a public authority and includes the POTW
- GG. “Remodel” or FF. “Remodeling” means any physical and/or operational change to a FSE causing a change in FOG quantity or consistency and/or that involves any one or a combination of the following:
 - 1. Under slab plumbing in the food processing area;
 - 2. A thirty percent (30%) increase in the net public seating area;
 - 3. A thirty percent (30%) increase in the size of the kitchen area; and/or
 - 4. Any change in the size or type of food preparation equipment.
- GG. “Sanitary sewer” means a sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.
- HH. “Sewage” means a combination of the water carried waste from residences, business buildings, institutions and industrial establishments, together with such inflow and infiltration as may be present.

- II. "Sewer facilities or system" means any and all facilities used for collecting, conveying, pumping, treating and disposing of sewage, wastewater and/or sludge.
- JJ. "Sewer lateral" means a building sewer as defined in the latest edition of the California Plumbing Code. It is the wastewater connection between the building's wastewater facilities and a public sewer.
- KK. "Sludge" means any solid, semi-solid and/or liquid decant, subnate or supernate from a manufacturing process, utility service, or pretreatment facility.
- LL. "Storm drain" means a pipe or conduit for carrying storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.
- MM. "User" means any person who contributes to, causes, or permits the contribution of wastewater into, the POTW.
- NN. "Waste" means sewage and any and all other waste substances, liquid, solid, gaseous or radioactive, associated with human habitation or of human or animal nature, including such wastes placed within containers or whatever nature prior to and for the purpose of disposal.
- OO. "Wastewater" means the liquid and water carrying industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, FSEs and institutions, whether treated or untreated, which is discharged into or permitted to enter the POTW.

ARTICLE II. REGULATIONS

13.22.030 FOG wastewater discharge permit (FOG WDP) required.

No person shall discharge, or cause to be discharged, any wastewater from an FSE, directly or indirectly, into the public sewer without first obtaining a FOG WDP pursuant to this chapter.

13.22.040 FOG discharge limitation.

No FSE shall discharge FOG, or cause FOG to be discharged into the public sewer that causes an SSO, exceeds a concentration level set forth in section 13.16.04 or that may accumulate and/or cause or contribute to blockages in the public sewer or the public sewer lateral which connects the FSE to the public sewer.

13.22.050 Public sewer overflows; public nuisance; abatement orders and cleanup costs.

- A. If the Director determines that any FSE caused or contributed to a sewer blockage, SSO or any public sewer obstruction resulting from the discharge of wastewater or waste containing FOG, the Director shall order that FSE to install and maintain a grease interceptor.
- B. SSOs may cause threat and injury to public health, safety, and welfare of life, property and the environment, and are hereby declared public nuisances. The Director may, at his or her discretion require the FSE to be subject to a plan to

abate the nuisance created by sewer line failure, blockage, SSO or any other public sewer obstruction.

- C. Any sewer lateral failure and/or SSO caused in whole or in part by an FSE is the responsibility of the private property owner, FSE, and/or individual who is a responsible officer or owner of the FSE.
- D. If the Director determines that the public health and safety require the City to act immediately to contain and clean up any SSO caused by blockage of a private or public sewer lateral or system serving an FSE, or if the City so acts at the request of the property owner or FSE to abate the condition causing immediate threat of injury to the health, safety, welfare, the environment or property of the public, the City may hold the property owner, owner/operator of the FSE, and/or those individuals who are responsible officers of the FSE responsible for costs the City incurs abating the public nuisance. These costs constitute a debt to the City, and are due and payable upon the City's request for reimbursement of such costs. The City may base its request for reimbursement on the Director's determination of the cause of the SSO.

13.22.060 Best management practices (BMPs) required.

Every FSE shall implement and/or exercise BMPs in its operations, in accordance with the requirements and guidelines established by the Director, to minimize the discharge of FOG to the grease control device and/or the public sewer. Detailed requirements for BMPs shall be specified in the FOG WDP. Each FSE comply with the BMPs set forth in the FOG WDP, as well as any additional BMPs established by the Director. BMPs may include, but are not limited to kitchen practices and employee training procedures that are essential in minimizing FOG discharge to the grease control device and/or public sewer.

13.22.070 Prohibitions.

Every FSE is prohibited from doing any of the following:

- A. Installing food grinders in the plumbing system of new construction. All FSEs that undergo a change in operations or remodeling shall remove any existing food grinders concurrent with such change or remodeling, except as otherwise expressly allowed by the Director;
- B. Introducing any additives into an FSE's plumbing system, grease trap and/or grease interceptor for the purpose of emulsifying FOG, biologically and/or chemically treating FOG for grease remediation and/or as a supplement to grease interceptor maintenance, unless a specific written authorization from the Director is first obtained;
- C. Disposing waste cooking oil into the public sewer or storm drain. All waste cooking oils shall be collected and stored properly in receptacles such as rendering bins, barrels or drums for recycling or other acceptable methods of disposal;
- D. Discharging wastewater with temperatures in excess of 140 degrees Fahrenheit into any grease control device;

- E. Discharging wastes containing fecal materials from toilets, urinals, washbasins or other fixtures to waste lines directed to grease control devices, or discharging FOG to toilets, urinals, washbasins or other fixtures;
- F. Discharging a FOG and solid materials removed from a grease control device to the public sewer. Grease removed from grease control devices shall be hauled to an approved waste disposal site as part of the operation and maintenance requirements for grease control devices;
- G. Operating grease interceptors with FOG and solids accumulation exceeding twenty-five percent (25%) of the design hydraulic depth of the grease interceptor; and/or
- H. Discharging FOG and other pollutants above the local discharge limits set forth in Wheatland Municipal Code section 13.16.040.

13.22.080 FOG pretreatment required.

At the time of construction, remodel, and/or change in operations, each FSE shall install, and thereafter operate and maintain, an approved type and adequately sized grease interceptor to comply with this chapter, subject to the variance and waiver provisions of section 13.22.130. The grease interceptor shall be adequate to separate and remove FOG contained in wastewater from the FSE prior to discharge to the public sewer, as determined by the then current Uniform Plumbing Code. Fixtures, equipment, and drain lines located in the food preparation and clean up areas of any FSEs that are sources of FOG discharges shall be connected to the grease interceptor. Compliance shall be established as follows:

- A. New construction of FSEs.
Prior to commencing discharges of wastewater to the public sewer, any newly constructed FSE shall install an approved type and adequately sized grease interceptor, with a minimum size of 1,000 gallons.
- B. Existing FSEs.
 - 1. The Director shall require an existing FSE to install a grease interceptor if the FSE is deemed determines that the FSE has reasonable potential to adversely impact the public sewer, which shall be established if the existing FSE: (i) caused or contributed to FOG-related blockage of the public sewer; (ii) has one or more sewer laterals connected to hot spots; and/or (iii) has contributed significant FOG to the public sewer. The Director shall provide the FSE written notice that it has a reasonable potential to adversely affect the public sewer and that it therefore is required to install a grease interceptor. The FSE shall install the grease interceptor within 180 days after receipt of that written notice.
 - 2. Any FSE that changes ownership or that undergoes remodeling and/or a change in operations, as defined in this chapter, shall be required to install a grease interceptor or to obtain a variance or waiver in accordance with section 13.22.130.

13.22.090 Commercial properties.

Any owner of a commercial property where FSEs are located, or the owner's official designee, shall be responsible for the installing, operating and maintaining a grease interceptor to serve all of the FSEs that are located on a single parcel.

13.22.100 Grease trap requirements.

- A. No new construction, change in operation or remodel of an FSE shall include installation of a grease trap without prior express written permission from the Director.
- B. Existing grease traps shall be maintained in an efficient operating condition by daily removal of the accumulate grease.
- C. Grease traps shall be maintained free of all food residues and any FOG waste removed during the cleaning process.
- D. Grease traps shall be inspected periodically to check for leaking seams and pipes, and for effective operation of the baffles and flow regulating device. Grease traps and their baffles shall be maintained free of all cooked-on FOG and waste. Removable baffles shall be removed and cleaned during the daily maintenance process.
- E. Dishwashers and food waste disposal units shall not discharge into, or be connected to, any grease trap.

13.22.110 Grease interceptor requirements.

- A. Any FSE required by this chapter to provide FOG pretreatment shall install, operate, and maintain an approved type and adequately sized grease interceptor necessary to comply with this chapter.
- B. Grease interceptor sizing and installation shall conform to the then current edition of the Uniform Plumbing Code. Grease interceptors shall be constructed in accordance with a design approved by the Director or City Engineer and shall have a minimum of two compartments with fittings designed for grease retention.
- C. The grease interceptor shall be installed at a location where it shall be at all times easily accessible for inspection, cleaning, and removal of accumulated grease.
- D. An access manhole, with a minimum diameter of twenty-four (24) inches, shall be provided over each grease interceptor chamber and each sanitary tee. The access manhole shall extend at least to finished grade and be designed and maintained to prevent water inflow or infiltration. The manhole shall also have readily removable covers to facilitate inspection, grease removal, and wastewater sampling.

Grease trap requirements.

- A. No new construction, change in operation or remodel of an FSE shall include installation of a grease trap without prior express written permission from the Director or City Engineer.
- B. Existing grease traps shall be maintained in efficient operating condition by daily removal of the accumulate grease.

- C. Grease traps shall be maintained free of all food residues and any FOG waste removed during the cleaning and scarping process.
- D. Grease traps shall be inspected periodically to check for leaking seams and pipes, and for effective operation of the baffles and flow regulating device. Grease traps and their baffles shall be maintained free of all cooked-on FOG and waste. Removable baffles shall be removed and cleaned during the maintenance process.
- E. Dishwashers and food waste disposal units shall not be connected to or discharged into any grease trap.

_____ 13.22.120 Grease interceptor maintenance requirements.

- A. Grease interceptors shall be maintained in an efficient operating condition by periodic removal of the full content of the interceptor, which includes wastewater, accumulated FOG, floating materials, sludge and solids.
- B. All grease interceptors shall be maintained in a manner consistent with the maintenance frequency approved by the Director or City Engineer.
- C. All grease interceptors are required to have grease retention fittings, as designed for proper function. Any interceptor that does not have grease retention fittings shall be repaired and/or retrofitted with appropriate grease retention fittings.
- D. No FOG that has been accumulated in a grease interceptor shall be allowed to pass into any sewer lateral, public sewer, storm drain or public right of way, or onto the surface of any street or parking area located within the City.
- E. The Director or City Engineer may require any FSE with a grease interceptor to submit data and information necessary to establish the required maintenance frequency of the grease interceptor.
- F. The required maintenance frequency for every FSE with a grease interceptor shall be determined in one of the following methods:
 - 1. Grease interceptors shall be fully pumped out and cleaned at a frequency that prevents the combined FOG and solids accumulation in the grease interceptor from exceeding twenty-five percent (25%) of the total designed hydraulic depth of the grease interceptor. This ensures that the minimum hydraulic retention time and required available hydraulic volume is maintained to effectively intercept and prevent FOG from being discharged into the public sewer.
 - 2. Each FSE with a grease interceptor shall fully pump out and clean its grease interceptor not less than once every six (6) months, regardless of whether the grease interceptor is at or below 25% of its total design hydraulic depth.
 - 3. Grease interceptors shall be fully pumped out and cleaned every three months when the frequency described in section 13.22.120(B) has not been established. The maintenance frequency shall be adjusted when the Director is provided sufficient data to enable him or her to establish an average frequency based on the requirements described in section 13.22.120(B) and guidelines adopted by the City pursuant to the FOG control program. The City may change the required maintenance

frequency at any time to reflect changes in actual operating conditions in accordance with the FOG control program.

Based on the actual generation of FOG from the FSE, the required maintenance frequency may increase or decrease.

4. The owner, operator and/or FOG WDP permittee of an FSE may submit a written request to the Director or City Engineer for a change in the required maintenance frequency at any time. The FSE must demonstrate that the requested change in maintenance frequency reflects the actual operating conditions of the FSE based on the average FOG accumulation over time and meets the requirements described in section 13.22.120.(F)(1), and that it is in full compliance with the conditions of any applicable FOG WDP and this chapter. Upon a determination by the Director or City Engineer that the requested change is justified, the FOG WDP shall be revised to reflect the change in required maintenance frequency.
 5. If the grease interceptor, at any time, contains FOG and/or accumulation of solids that exceed the requirements described in section 13.22.120(F)(1) the FSE shall be required to have the grease interceptor serviced immediately to remove all FOG and other materials from the grease interceptor.
 6. Notwithstanding any other provision of this chapter, the Director or City Engineer may increase the required maintenance frequency of any FSE's grease interceptor, at any time.
- G. Wastewater, accumulated FOG, floating materials, sludge, solids, and other materials removed from the grease interceptor shall be disposed of by waster haulers and/or at an approved disposal site in accordance with all applicable federal, state, and/or local laws.

13.22.130 Variance and waiver of grease interceptor or grease trap requirement.

- A. Variance from grease interceptor or grease trap requirements.
- An FSE may request that the Director or City Engineer grant a variance from the grease interceptor or grease trap requirement to allow alternative pretreatment technology in lieu of a grease interceptor or grease trap, if: (1) the FSE demonstrates that the alternative pretreatment technology is equally or more effective than a grease interceptor or grease trap; and (2) it is impossible or impracticable to install, operate or maintain a grease interceptor or a grease trap. The Director or City Engineer's determination to grant a variance will be based upon, but not limited to, an evaluation of the following conditions:
1. There is no adequate space for installation and/or maintenance of a grease interceptor or a grease trap;
 2. There is no adequate slope for gravity flow between kitchen plumbing fixtures and the grease interceptor or the grease trap and/or between the grease interceptor or the grease trap and the private collection lines or the public sewer; and

3. The FSE can prove that the alternative pretreatment technology is equally or more effective than a grease interceptor or a grease trap in controlling its FOG discharge.

After obtaining the Director's approval of, and after installing, the alternative pretreatment technology, the FSE must demonstrate, for three months and at its own expense, that the alternative pretreatment effectively controls FOG discharge by conducting downstream visual monitoring of the public sewer. A variance may be granted if the results show no visible accumulation of FOG in its lateral and/or tributary downstream sewer lines. Any variance issued pursuant to this section maybe revoked at any time in the discretion of the Director or City Engineer.

B. Conditional waiver of requirements to install grease interceptor or grease trap.

The Director may grant a FSE a conditional waiver of the requirement to install a grease interceptor or a grease trap may be granted for FSEs that the Director if he or City Engineer determines that the FSE has negligible FOG discharge and an insignificant impact on the public sewer. Notwithstanding the grant of any conditional waiver, the Director may require the FSE to provide space and plumbing segregation for future installation of a grease interceptor or a grease trap. The Director or City Engineer may revoke a conditional waiver at any time. The Director's determination to grant or revoke a conditional waiver shall be based upon, but not limited to, an evaluation of any of the following conditions:

1. Quantity of FOG discharge as measured or indicated by the size of the FSE, which shall be based on water usage, menu, seating capacity, number of meals served, amount of on-site consumption of prepared food, number of plumbing fixtures and any other conditions that, in the Director's opinion, causes or contributes to FOG discharges;
2. Adequacy of implementation on BMPs and compliance history;
3. Sewer size, grade, and condition based on visual and other information; FOG deposition in the sewer by the FSE; and history of maintenance and SSOs caused or contributed to by FOG from the FSE;
4. Changes in operations that significantly affect FOG discharge; and/or
5. Any other condition that the Director determines is reasonably related to FOG discharges.

C. Waiver of grease interceptor or grease trap installation requirement with a grease disposal mitigation fee.

If the Director determines that it is impossible or impracticable for the FSE to install a grease interceptor, grease trap, or any alternative pretreatment technology, then the Director may grant an FSE a waiver. As a condition of the grant of such a waiver, the FSE shall be required to pay the City a grease disposal mitigation fee, as described in section 13.22.160. The Director also may impose additional requirements to mitigate the discharge of FOG into the public sewer. The Director or City Engineer's determination to grant a waiver upon the payment of a grease disposal mitigation fee and compliance with any additional mitigation measures will be based upon, but not limited to, an evaluation of the following conditions:

1. There is inadequate space for installation and/or maintenance of a grease interceptor or a grease trap.

2. There is inadequate slope for gravity flow between kitchen plumbing fixtures and the grease interceptor or grease trap and/or between the grease interceptor or grease trap and the private collection lines or public sewer.
 3. The use of alternative pretreatment technology is impossible and/or impracticable and therefore a variance from grease interceptor or grease trap installation to allow alternative pretreatment technology cannot be granted.
- D. Application for a variance, conditional waiver or waiver from the requirement of installing a grease interceptor, grease trap and/or any alternative pretreatment technology. In order to obtain a variance, conditional waiver or waiver described in this Section 13.22.130, an FSE must submit to the City an application for variance, conditional waiver or waiver from the grease interceptor, grease trap and/or alternative pretreatment technology requirement(s). The FSE is responsible for demonstrating that the installation of a grease interceptor, grease trap and/or alternative pretreatment technology is impossible and/or impracticable, or should otherwise not be required. Upon the Director's determination by the Director or City Engineer that the reasons set forth in the FSE's application are sufficient to justify a variance, conditional waiver and/or waiver, the Director shall issue or reissue the FOG WDP and include the variance, conditional waiver and/or waiver on that issued or reissued FOG WDP, which, on the date of issuance or reissuance, shall be effective.
- E. Terms and conditions of a variance, conditional waiver or waiver. An issued or reissued FOG WDP for any variance, conditional waiver or waiver shall contain the terms and conditions that serve as the basis for its issuance. A variance, conditional waiver or waiver may be revoked by the Director or City Engineer at any time upon his or her determination that any term and/or condition of the FOG WDP is not or has not been satisfied, or if any term and/or condition in the FOG WDP has changed such that the justification for the variance, conditional waiver and/or waiver no longer exists. The variance, conditional waiver and/or waiver shall be valid until the expiration date specified in the variance, conditional waiver or waiver, provided the FSE remains in compliance with the terms and conditions of the FOG WDP

ARTICLE III. FEES

13.22.140 Purpose.

It is the purpose of this article to provide for the recovery of costs to the City from users of the public sewer for the implementation of the program established in this chapter.

The fees established pursuant to this article shall be for the purpose of recovering the costs the city incurs by implementing this chapter from users of the public sewer and/or POTW.

13.22.150 Charges and fees.

- A. The City Council may adopt charges and fess by resolution which may include, but are not limited to:
 - 1. Fees for reimbursement of the City's costs of establishing and operating the City's FOG program;
 - 2. Fees for the City's consistent removal of pollutants otherwise subject to any local, State and/or Federal Pretreatment Standards; and
 - 3. Other fees that the City determines are necessary to implement the requirements of this chapter.
- B. Costs incurred by the City as a result of required on-site sampling and analysis shall be reimbursed to the City by the owner, user or FOG WDP permittee shall reimburse the City for those costs the City incurs as a result of conducting any required on-site sampling, measurement and/or analysis.

13.22.160 Grease disposal mitigation fee.

Any FSE that operates without a grease control interceptor, grease trap or approved alternative pretreatment technology may be required to pay an annual grease disposal mitigation fee to reimburse the City for an equitably proportion of the costs necessary to maintain the public sewer, which the City would not otherwise be required to pay if the FSE adequately removed FOG from its wastewater discharge. This section shall not be interpreted to allow new construction or an existing FSE undergoing remodeling and/or a change in operations to operate without an approved grease interceptor or a grease trap unless the Director or City Engineer has determined that it is impossible or impracticable to install and/or operate a grease control interceptor or a grease trap for the subject facility under the provisions of section 13.22.130 of this chapter.

- A. The grease disposal mitigation fee shall be established annually by the Director or City Engineer by resolution of the City Council and shall be based on the City's estimated annual increased cost of maintaining the public sewer for inspection and removal of FOG and other viscous or solidifying agents attributable to the FSE and resulting from the FSE lack of grease interceptor and/or grease trap.
- B. The Director may waive or reduce the annual grease disposal mitigation fee if the FSE demonstrates to the Director's reasonable satisfaction of the Director or City Engineer that the FSE has used BMPs and waste minimization practices on a regular basis, which have significantly reduced the introduction of FOG into the public sewer.
- C. The grease disposal mitigation fee shall not be waived or reduced when the FSE has not complied with the minimum requirements of this chapter and/or the FSE's discharge into the public sewer during the twelve (12) months preceding the waiver request caused or contributed to, or potentially caused or contributed to, alone or together with other discharges, any sewer blockage or SSO in the public sewer.

ARTICLE IV. ADMINISTRATION

13.22.170 FOG WDP application.

- A. Any FSE required to obtain a FOG WDP shall complete and file with the Director, prior to commencing or continuing discharges, an application in a form prescribed by the Director. All applicable fees required by this chapter shall accompany the application. The FOG WDP application may be obtained from the City Clerk's office.
- B. Applicants may be required to submit site plans, floor plans, mechanical and plumbing plans, and any additional details to show all sewers, FOG control devices, grease interceptors and/or other grease control devices and/or other alternative pretreatment technology and appurtenances by size, location, and elevation.
- C. Other information related to the applicant's business operations and/or potential discharge may be requested in order to properly evaluate the applicant's FOG WDP application.
- D. After evaluation of the data furnished pursuant to this section 13.22.170, the Director may issue a FOG WDP, subject to terms and conditions set forth in this chapter and as otherwise determined by the Director or City Engineer to be appropriate to protect the public sewer and/or POTW.

13.22.180 FOG WDP application fee.

The City Council by resolution may from time to time establish and/or revise a FOG WDP application fee, which shall be paid by any applicant for a FOG WDP. Payment of the FOG WDP application fee must be received by the Director or City Engineer upon submission of at the same time the applicant submits its FOG WDP application. A permittee with an existing FOG WDP shall pay any delinquent fees and charges before the Director may renew the FOG WDP.

13.22.190 FOG WDP conditions.

The issuance of a FOG WDP may include, but may not be limited to, any of the following conditions or limits:

- A. Limits on discharge of FOG and other pollutants;
- B. Requirements for proper operation and maintenance of grease interceptors, other grease control devices, and/or alternative pretreatment technology;
- C. Grease interceptor maintenance frequency and schedule;
- D. Requirements for implementation of BMPs;
- E. Requirements for maintaining and reporting the status of BMPs;
- F. Requirements for maintaining and submitting logs and records, including but not limited to waste hauling records and waste manifests, which shall include the ultimate disposition of the FOG wastes;
- G. Self-monitoring requirements;
- H. Requirements for the FSE to construct, operate and/or maintain, at its own expense, any grease control device and/or sampling facilities;

- I. Additional requirements as otherwise determined to be reasonably appropriate by the Director or City Engineer to protect the public sewer or as specified by other regulatory agencies. Any additional requirements the Director determines are appropriate to protect the public sewer, or as required by any local, State or Federal statute, regulation or agency; and/or
- J. Any other term and/or condition that the Director determines are required to ensure compliance with this chapter.

13.22.200 FOG WDP modification of terms and conditions.

- A. The Director, at his or her sole discretion, may modify any or all of the terms and conditions of a FOG WDP at any time based on any of the following:
 - 1. The permittee's current or anticipated operating data;
 - 2. Changes in the requirements of state or federal regulatory agencies that oversee and monitor the City; and/or
 - 3. A determination by the Director or City Engineer that such modification is appropriate to further the objectives of this chapter and all applicable local, State and/or Federal laws and/or regulations.
- B. A permittee may submit a written request to modify the terms and conditions of that permittee's FOG WDP. Upon receipt of the request, the Director or City Engineer shall review the request, make a determination on the request, and provide a written response. The Director may request and require the submission of any additional information prior to making a determination on the request.
- C. The Director shall inform a permittee of any change in the FOG WDP limits, conditions and/or requirements at least forty-five (45) days prior to the date on which any change becomes effective. Any changes and/or new conditions in the FOG WDP shall include a reasonable time schedule for compliance.

13.22.210 FOG WDP duration and renewal.

A FOG WDP shall be effective for a period of one year from the date of issuance. At least thirty (30) days prior to the expiration of the FOG WDP, the permittee shall re-apply and pay any applicable fees and charges, including any outstanding fees and charges, in order to renew the WDP, pursuant to the provisions of this chapter.

13.22.220 Exemption from FOG WDP.

- A. A limited food preparation establishment may not be considered an FSE and may be exempt from being required to obtain a FOG WDP. Exempt establishments shall be those establishments that are engaged only in reheating, hot holding, and/or assembly of ready-to-eat food products, which are activities that do not result in any wastewater discharge that contains a significant amount of FOG.
- B. Any establishment seeking an exemption under this section 13.22.220 shall submit a written request to the Director. If the Director or City Engineer determines that the reasons for the request are valid and that the establishment satisfies the requirements of section 13.22.220(A), then the Director may grant the request for an exemption from this article.

- C. Notwithstanding any exemption granted pursuant to this section 13.22.220, the Director may require a limited food preparation establishment to implement and/or exercise any BMP applicable to FSEs. A limited food preparation establishment that discharges FOG in excess of the defined limits may be reclassified as an FSE and required to obtain a FOG WDP at the Director or City Engineer's discretion. The Director may reclassify any exempt food preparation establishment as an FSE and require that establishment to obtain a FOG WDP if the Director determines the establishment discharges FOG in excess of any defined limits.

13.22.230 Non-transferability of a FOG WDP.

A FOG WDP issued pursuant to this chapter shall be issued for a specific FSE and/or operation and creates no vested rights. The permittee shall not assign, transfer, convey and/or sell the permittee's FOG WDP and/or use the permittee's FOG WDP on any premises or for any facility, operation and/or discharge that is not expressly included within the FOG WDP. A FOG WDP shall become void upon assignment, transfer, conveyance, and/or sale to a new owner and/or operator and/or facility in violation of this chapter.

13.22.240 Facilities and drawing submittal requirements.

Upon request by the Director:

- A. Any FSE may be required to submit two (2) copies of facility site plans, mechanical and plumbing plans and details to show all sewer locations and connections. The submittal shall be in a form and content acceptable to the Director or City Engineer for review of existing and/or proposed grease control device, alternative pretreatment technology monitoring facilities, metering facilities, and operating procedures. The Director's review of any plans and/or procedures shall in no way relieve the FSE of its responsibility to modifying the facilities and/or procedures in the future, as required in order to produce an acceptable discharge, and/or to meet the requirements of this chapter or the requirements of any other local, State and/or federal statute, regulation and/or agency.
- B. The Director may require that a California registered civil, chemical, mechanical or electrical engineer prepare any drawings, charts and/or plans required to be submitted pursuant to this chapter.
- C. All drawings shall be submitted to the Director.

13.22.250 Monitoring and reporting conditions.

- A. The Director or City Engineer may require periodic reporting of the status of implementation and/or exercise of BMPs, in accordance with any FOG control program.
- B. The Director or City Engineer may require visual monitoring at the sole expense of the permittee to observe the actual conditions of the FSE's sewer lateral and sewer lines downstream.

- C. The Director or City Engineer may require the permittee to prepare self-monitoring reports of the FSE's wastewater constituents and/or FOG characteristics, which shall be used to evaluate and determine compliance with any condition and/or requirement specified in the FOG WDP or this chapter. These self-monitoring reports shall be prepared in a manner and form approved by the Director or City Engineer and shall be submitted upon the Director's request of the Director or City Engineer. Failure. The failure by the permittee to perform any required self-monitoring, and/or to submit any self-monitoring report(s) requested by the Director or City Engineer constitutes shall constitute a violation of this chapter and shall be cause for the City and/or Director to take all necessary actions to determine the FSE's wastewater constituents and/or FOG characteristics and/or to determine whether the FSE is compliant with any condition and requirement specified in the permittee's FOG WDP or this chapter, and any costs incurred by the City in taking these actions shall be reimbursed by the permittee.
- D. The Director may require the submission of other reports, such as compliance schedule progress reports, FOG control monitoring reports, and any other reports deemed reasonably appropriated by the Director or City Engineer to ensure compliance with this chapter.

13.22.260 Recordkeeping requirements.

- A. The permittee shall be required to keep and maintain for at least three years. The permittee shall, upon request, make the manifests, receipts and invoices available to the Director or City Engineer, any inspector and/or any enforcement officer, all of the following records:
 - 1. An on-site logbook of grease interceptor, grease trap or grease control device cleaning and maintenance practices;
 - 2. Records of BMPs being implemented and/or exercised, including employee training;
 - 3. Records and manifests of waste hauling interceptor contents;
 - 4. Records of sampling data and sludge height monitoring for FOG and solids accumulation in the grease interceptors;
 - 5. Records of any spills and/or cleaning of the sewer lateral or public sewer;
 - 6. Records of disposal carrier and disposal site location for any waste hauled off-site; and
 - 7. Any other information deemed appropriate by the Director to ensure compliance with this chapter.
- B. The permittee shall make any or all of these records available, upon request, to the Director, any inspector and/or any enforcement officer.

13.22.270 Falsifying information; unlawful tampering.

It shall be unlawful to:

- A. Make any false statement, representation, record, report, plan and/or other document;

- B. File any false statement, representation, record, report, plan, and/or other document with the City and/or the Director; and/or
- C. Tamper with the City and/or the Director or City Engineer, or to knowingly render inoperable, any grease control device, monitoring device, and/or any method or access point required under this chapter.

13.22.280 Inspections and sampling conditions.

- A. The Director or City Engineer may inspect and/or sample, or order the inspection and/or sampling of the wastewater discharges of any FSE to determine whether the FSE and/or permittee is complying with the provisions of this chapter and/or the FOG WDP. The permittee shall provide the Director and/or any inspector access to the FSE premises, during normal business hours, for purposes of inspecting, monitoring and/or sampling the FSE's grease control devices and/or FOG waste discharges, and/or reviewing the FSE's records that are maintained pursuant to section 13.22.260.
- B. The Director or City Engineer shall have the right to place, or order the placement of on the FSE's property, or other locations as determined by the Director or City Engineer, such devices as are necessary to conduct sampling, monitoring and/or metering authorized under this chapter. If an FSE has security measures in place, the FSE shall make necessary arrangements so that the Director and/or inspector may enter the premises without delay for the purpose of performing any action authorized by this chapter.
- C. In order for the Director or City Engineer to determine the wastewater characteristics of the discharge for purposes of determining compliance with FOG WDP requirements, the permittee shall make available for inspection and copying by the Director or City Engineer, an inspector, an enforcement officer and/or other designated personnel, any and all records maintained pursuant to section 13.22.260.

13.22.290 Right of entry.

Users or permittees of premises where wastewater is created or discharged shall allow the Director or City Engineer, an inspector and/or an enforcement officer reasonable access to all parts of the wastewater generating and disposal facilities for the purposes of inspecting, monitoring and/or sampling at any time during the FSE's operating hours, and/or at any other reasonable time. No person or occupant of the premises shall interfere with, delay, resist or refuse entrance to the Director or City Engineer, an inspector and/or an enforcement officer that is attempting to inspect any facility involved directly or indirectly with a discharge of wastewater to the public sewer. In the event of an emergency involving an actual or imminent SSO, the Director or City Engineer, an inspector and/or an enforcement officer may access adjoining businesses or properties that share a public sewer with an FSE in order to prevent and/or remediate the actual or imminent SSO.

13.22.300 Notification of spill.

- A. If a permittee discharges/spills in violation of its FOG WDP due to a breakdown of equipment, accident, or human error, or if the permittee has reasonable opportunity to know that a discharge/spill will violate its FOG WDP or this chapter, then the permittee shall immediately notify the City by telephone at the number specified in the FOG WDP. If the material spilled/discharged to the public sewer has the potential to cause or contribute to sewer blockages or SSOs, the permittee shall immediately notify the City.
- B. Confirmation of this notification shall be made in writing to the Director or City Engineer, which shall be sent to the address specified in the FOG WDP and postmarked no later than two (2) calendar days from the date of the discharge. The written notification shall state the date of the incident, the reasons for the discharge or spill, what steps the permittee took to immediately correct the problem, and what steps the permittee is taking and/or will take to prevent a recurrence.
- C. Notification under this section 13.22.300 shall not relieve the permittee its responsibility and liability for any expense, loss, damage or other liability that the City or any other party incurs as a result of the discharge/spill; nor shall such notification relieve the permittee of any fees or other liability that may be imposed by these regulations or other applicable local, State and/or Federal statute, regulation and/or agency.

13.22.310 Notification of planned changes.

A permittee shall notify the Director, in writing, at least sixty (60) days prior to any facility expansion, and/or remodeling, and/or process modifications that may result in a new or substantially increased FOG discharge and/or a change in the nature of the discharge. The permittee shall submit any information requested by the Director for evaluating the effect of the permittee's expansion and/or remodeling, and/or process modifications on the permittee's FOG discharge to the public sewer.

ARTICLE V. ENFORCEMENT

13.22.320 Harmful discharge.

- A. The Director may suspend wastewater service or rescind a FOG WDP if the Director determines that such suspension or rescission is necessary, in the opinion of the Director or City Engineer, in order to stop an actual or threatened discharge that presents or may present an imminent and/or substantial endangerment to the health or welfare of persons, to the environment, or which may cause or contribute to obstruction of the public sewer and/or the POTW, or causes or could cause the City to violate any condition of its permits.
- B. Any person notified of a suspension of the wastewater treatment service and/or revocation of a FOG WDP shall immediately cease all discharges to the public sewer. If a person fails to comply voluntarily with the Director's suspension order, then the Director or City Engineer shall take any action necessary to prevent or minimize damage to the public sewer and/or POTW, including immediate severance of the sewer connection. The Director or City Engineer shall

reinstate the FOG WDP, wastewater treatment service and or sewer connection only upon proof of the elimination of the nonconforming discharge. A detailed written statement submitted by the user, which describes the causes of the harmful discharge and the measures taken to prevent any recurrence of the harmful discharge shall be submitted to the Director or City Engineer within fifteen (15) days after the date on which the harmful discharge first occurred.

13.22.330 Determination of non-compliance with FOG WDP conditions.

A. Sampling and inspection procedures.

1. Sampling and inspection of FSEs shall be conducted in the time, place, manner, and frequency determined at the sole discretion of the Director or City Engineer. The Director has discretion to determine the time, place, manner and/or frequency of sampling and inspection of any FSE.
2. Noncompliance with FOG WDP terms or conditions, or any provision of this chapter or any applicable local, State and/or Federal statute, regulation and/or agency may be determined by an inspection of the grease control device or other alternative pretreatment technology, any and all associated records, and any sampling, including a grab or composite sample, of the FSE's discharge.
3. The Director may determine that any sample of an FSE's discharge taken from a sample point is representative of the Director or City Engineer is considered representative of the FSE's discharge to the public sewer and/or POTW.

B. Notice of violation.

Any permittee found to be in violation of any FOG WDP term and condition may be issued a warning notice of violation, which shall include a specified time period to correct the violation. If the violation is not corrected within the time period specified in the warning notice, then the permittee may be issued a notice of violation, which shall contain a specified time period to correct the violation. If the violation is not corrected within the time period specified in the notice, then the permittee shall be considered in noncompliance with its FOG WDP and/or this chapter

C. Noncompliance fee.

Any permittee in noncompliance with its FOG WDP and/or with any provision of this chapter may be required to pay a noncompliance fee. The purpose of the noncompliance fee is to compensate the City for costs of additional inspection and follow-up sampling, monitoring, laboratory analysis, treatment, disposal, and administrative processing that the City incurs or will incur as a result of the permittee's noncompliance. The noncompliance fee shall be in addition to and not in lieu of any penalties imposed on the permittee pursuant to section _____. Noncompliance fees shall be in the amount determined by the Director or City Engineer. If the permittee remains compliant for twelve (12) consecutive months following the notice of noncompliance the fee may be waived at the discretion of the Director or City Engineer 13.22.360. The Director shall have discretion to determine the amount of any noncompliance fee. If, after

receiving a notice of noncompliance, the permittee corrects that which served as the basis of noncompliance and remains compliant for twelve (12) consecutive months thereafter, then the Director may waive the noncompliance fee.

13.22.340 Compliance schedule.

- A. If the Director determines that a permittee is in noncompliance with the terms and conditions specified in its FOG WDP or any provision of this chapter, or is required to construct and/or acquire and install a grease control device or grease interceptor, then the Director or City Engineer may require the permittee to enter into a compliance schedule on terms and conditions specified by the Director or City Engineer.
- B. The compliance schedule may include terms and conditions related to installation of a grease control device or alternative pretreatment technology, submission of drawings or reports, auditing of waste hauling records, implementation and/or exercise of any BMPs and waste minimization practices, payment of fees, and/or any other term or condition to ensure compliance with the FOG WDP and/or this chapter.
- C. If compliance is not achieved in accordance with the terms and conditions of a compliance schedule, then the Director or City Engineer may issue an order suspending or revoking the FOG WDP, pursuant to section 13.22.350 of this chapter.

13.22.350 FOG WDP suspension and/or revocation.

The City may suspend and/or revoke any FOG WDP if the Director or City Engineer determines that a permittee:

- A. Failed or fails to comply with any term and/or condition of a compliance schedule order;
- B. Knowingly prepared, produced and/or submitted a false statement, representation, record, report, or other documents to the City and/or the Director or City Engineer.;
- C. Refused or refuses to submit any record, report, plan, or other document required or requested by the City and/or Director or City Engineer to determine appropriate FOG WDP terms and/or conditions; discharge compliance and/or compliance with this chapter;
- D. Falsified, tampered with or knowingly rendered inaccurate any monitoring device and/or sample collection method;
- E. Refused or refuses to provide the Director, an inspector and/or an enforcement officer reasonable access to the FSE for the purpose of inspection and monitoring;
- F. Fails to make timely payment of all fees and charges owed to the City, including but not limited to user charges, FOG WDP fees and/or any other fees imposed pursuant to this chapter;
- G. Caused or causes obstruction, sewer blockages or SSOs in the public sewer and/or otherwise adversely affects the public sewer and/or POTW;
- H. Violates grease interceptor, grease trap, or alternative pretreatment technology maintenance requirements, any term, condition and/or limit of its FOG WDP;

- I. Fails to report significant changes in operations, and/or wastewater constituents and characteristics; and/or
- J. Violates any provision contained in this chapter, or any local, State and/or Federal statute, regulation and/or agency.

13.22.360 Violation – Penalty.

- A. Every person who violates any provision or who fails to comply with any of the requirements of this chapter is guilty of a misdemeanor unless the city prosecutor reduces the charge to an infraction in the interests of justice, in which case the person shall be guilty of an infraction. Each such person shall be deemed guilty of a separate offense for each and every day or any portion thereof during which any violation of any provision of this chapter is committed, continued or permitted by such person and shall be deemed punishable therefore as provided in this code.
- B. The Director may order any user, discharger and/or permittee in violation of this chapter and/or any order, rule, regulation and/or permit issued pursuant to this chapter, may be ordered by the Director or City Engineer to cease and desist all discharges until the violation is cured. Continuance of operations after notice to cease and desist has been furnished to the user and/or permittee shall be unlawful and an infraction or misdemeanor determined by the City Attorney. Each day in which any such violation shall continue shall be deemed a separate offense.
- C. The violation of any of the provisions of this chapter, or the orders, rules, regulations and permits issued under this chapter, or the doing of any act prohibited or the failure or omission to do any act required by this chapter, or the orders, rules, and regulations and permits issued under this chapter, is a public nuisance and may be enjoined by the City Attorney.
- D. If any violation of this chapter, or the orders, rules, regulations and permits issued under this chapter, causes damage to the POTW, the Director or City Engineer may seek to recover civil damages from the user causing such damage.
- E. The Director or City Engineer is authorized to levy against any person administrative fines of up to ten thousand dollars (\$10,000) per day for each violation of the rules, regulations, and permits issued under this chapter. The notice shall provide information as to the reason for the administrative fine and the authority and the notice shall also specify the person's right to appeal.
 - 1. The Director or City Engineer shall provide written notice of such levy to the person by certified mail. If a user, discharger and/or permittee fail to comply with any cease and desist order issued pursuant to this chapter after being provided notice of said cease and desist order, then that failure shall be unlawful and shall constitute an infraction or misdemeanor as determined by the City Attorney. Each day of noncompliance with the cease and desist order shall constitute a separate offense.
- C. The violation of any of the provisions of this chapter, or any order, rule, regulation and/or permit issued pursuant to this chapter, or the commission of any act prohibited by, or the failure perform any act required by, this chapter or any order, rule, regulation and/or permit issued pursuant to this chapter, shall

constitute a public nuisance and the City Attorney may seek an injunction of said public nuisance on behalf of, and at the direction of, the City.

- D. If any violation of this chapter, or any order, rule, regulation and/or permit issued pursuant to this chapter, causes damage to the public sewer and/or POTW, then the City may seek to recover civil damages from the user, discharge and/or permittee responsible, in whole or in part, for that damage.
- E. The Director is authorized to issue administrative citations and levy penalties pursuant to chapter 1.18 as a means to enforce any violation of this chapter.
- F. The remedies and provisions of this section are cumulative, and are in addition to any other remedy or provision of law.

SECTION 3. Effective Date. This ordinance shall take effect 30 days after its final passage.

SECTION 4. Posting. Within 15 days from the date of passage of this ordinance, the City Clerk shall post a copy of it in at least three public places in the City.

INTRODUCED by the City Council on the _____ day of September 2009.

PASSED AND ADOPTED by the City Council of the City of Wheatland on the _____ day of September 2009, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Enita Elphick, Mayor

Attest:

Lisa J. Thomason, City Clerk

I hereby certify that the foregoing is a true and correct copy of City of Wheatland Ordinance No. _____, which ordinance was duly introduced, adopted and posted pursuant to law.

Lisa J. Thomason, City Clerk

THE FOLLOWING IS A LIST OF COMPANIES THAT PROVIDE SERVICES RELATED TO THE REMOVAL OF FATS, OILS AND GREASE WHICH WILL BE GIVEN TO LOCAL BUSINESSES FOR INFORMATIONAL PURPOSES ONLY, NOT AS A RECOMMENDATION FROM THE CITY:

Grease Hauling and Rendering Companies Serving Yuba County

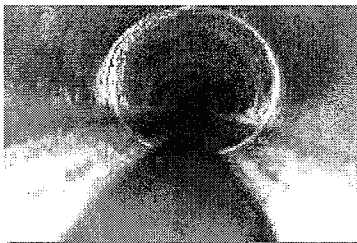
Company	Contact Number
Darling International	(800) 473-4890 1-800-4-GREASE
Liquid Environmental Solutions	(866)-694-7327
Portosan Santa Rosa	(707) 566-2000
Rescue Rooter	(800) 869-6917
Roto Rooter	(800) 269-3747
Ameriguard Maintenance Services	(800) 347-7876 xt14
One More Time	(800) 624-5504
Sacramento Rendering Company	(800) 339-6493

○ WHY A FATS, OILS AND GREASE PROGRAM

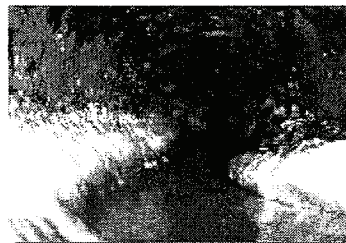


INTRODUCTION ○

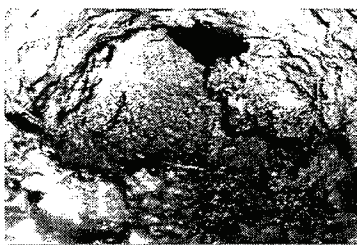
Fats, oils and grease (FOG) cause serious problems in the sewer system. FOG sticks to the walls of the pipes when put down the drain. Over time, FOG can restrict the flow in a pipe until a sewer stoppage or overflow occurs. Stoppages and overflows can create smelly, dirty messes—possibly damaging your business, property, profits, as well as the environment.



Clean Pipe



Grease Coated Pipe



Grease Clogged Pipe



Sewer Spill

DON'T GET STUCK PAYING FINES AND CLEANUP COSTS ○

FOG blockages can cause sewer overflows into businesses, nearby homes or local waterways, potentially causing a loss of business. Overflows impacting public health, water ways and storm drains may result in expensive fines and cleanup costs. Preventing FOG from entering sewers can avoid these problems.

BENEFITS OF KEEPING FOG FROM GOING DOWN THE DRAIN ○

Preventing grease-related sewer blockages and overflows benefits your business, your pocketbook and the environment by:

- Avoiding expensive clean-up costs and penalties
- Avoiding the loss of business due to sewer back-ups
- Eliminating unnecessary sewer rate increases due to frequent sewer maintenance by the local sewer agency
- Keeping the environment clean

○ PROPER DISPOSAL OF FATS, OILS AND GREASE BEST MANAGEMENT PRACTICES (BMPs)



TRAINING ○

Explain that fats, oils and grease (FOG) are a problem when washed down drains, because they can clog the sewers and create overflows, which can impact public health, water ways, and the environment, and can also result in expensive fines and cleanup costs.

SIGNAGE ○

Post Proper Disposal of Fats, Oils and Grease Best Management Practices (BMPs) signs above sinks and, if possible, on the front of dishwashers.

PROPER WATER TEMPERATURE ○

Use mild water temperatures (120° F to 140° F) in all sinks. This is especially important in pre-rinse sinks that are used prior to mechanical dishwashers.

DRAIN SCREENS ○

Install/use removable drain screens in all sink drains (floor sink drains, kitchen sinks, mop sinks and hand sinks) to capture solid materials. The screen openings should be 1/8" to 3/16" and removable to make the screen easy to clean. Adding a second screen can help prevent solid materials from entering the sewer when cleaning the first screen.

CLEAN HOOD FILTERS ○

Clean exhaust hood filters in sinks, not outside. This prevents pollutants from entering the storm drains.

RECYCLING ○

Recycle used cooking oil and grease by collecting and storing in a recycling barrel or bin.

SPILLS ○

Block off sinks and floor drains near any FOG related spill and clean using absorbent materials, such as absorbent sweep or paper towels. Place used absorbent materials in plastic bags before placing in the trash. Outdoor spills should be cleaned with absorbent sweep, then bagged and placed in the dumpster. Prevent grease overflows from entering the storm drain by using dirt or another substance until all grease is cleaned up.

GREASE REMOVAL DEVICES MAINTENANCE ○

Regularly service grease interceptors and grease traps. Use only licensed waste haulers (see *Selecting Reputable Waste Haulers* information sheet. Witness all cleaning and maintenance of outdoor grease interceptors to ensure the device is properly serviced. See *Grease Interceptor Maintenance* instruction sheet for more information.

Manual indoor grease traps should be cleaned weekly at minimum, or daily depending on the use of BMPs, number of customers and type of food served. Clean indoor automatic grease traps daily. Overflows of outdoor interceptors may result in fines and costs associated with clean up. Refer to Grease Trap Maintenance instruction sheet for more information.

RECORD KEEPING ○

Keep receipts from a California Department of Food and Agriculture licensed grease waste hauler for two years.



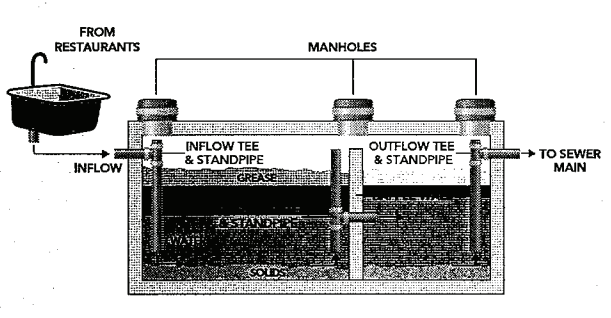
GREASE REMOVAL DEVICES



WHAT ARE GREASE REMOVAL DEVICES

Grease removal devices separate fats, oils and grease (FOG) from wastewater before the water enters the sewer. There are large outdoor grease interceptors and smaller indoor grease traps.

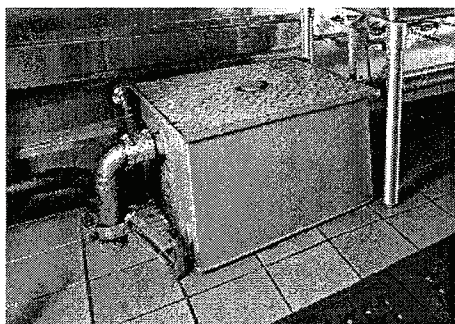
WHICH GREASE REMOVAL DEVICE DO YOU HAVE



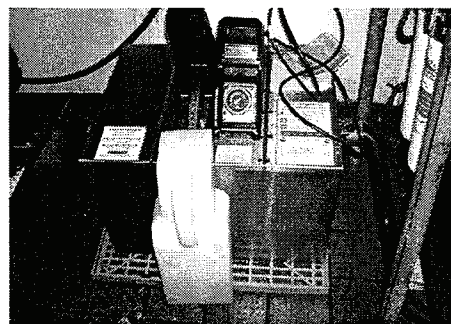
Outdoor Grease Interceptor



Manhole Being Pumped



Indoor
Manual Grease Trap



Indoor
Automatic Grease Trap

WHERE IS THE GREASE REMOVAL DEVICE AT YOUR RESTAURANT

Learn where your grease removal device is located in order to ensure proper maintenance and usage. Proper maintenance of grease interceptors and grease traps prevents FOG from going down the drain, clogging pipes, and potentially causing a sewer backup. We recommend your business install a grease removal device if you do not have a grease removal device. Grease removal devices are approved by the local building department or sewer agency. To find which building department or sewer agency services your area please go to the Website www.stoptheclog.com.



GREASE INTERCEPTOR MAINTENANCE



INTRODUCTION

Grease interceptors require frequent maintenance to keep fats, oils and grease (FOG) from entering the sewer system and causing overflows. A grease interceptor is an outdoor, in-ground device that removes FOG from wastewater before it enters the sewer.

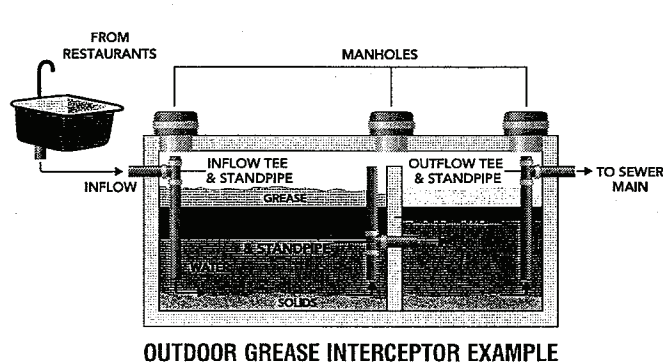
Wastewater enters the interceptor from kitchen drains, and is slowed down so solids can settle to the bottom. Grease, being lighter than water, floats to the top. Interceptors are one of the most effective grease removal devices for food service establishments (FSE), and are required for all new FSEs and remodeled FSEs where the value of the remodeling is greater than \$100,000, as specified in the building permit.

The required maintenance frequency for grease interceptors may be significantly reduced with the proper grease disposal practices. Refer to the *Proper Disposal of Fats, Oils and Grease BMPs* instruction sheet for more information.

MAINTENANCE

Maintenance of interceptors includes removing all of the liquids and solids and disposing of the material in accordance with all federal, state, and local laws. A rule of thumb is to clean the interceptor when 25 percent of the total volume is a combination of grease and solids. The best way to determine the appropriate pumping interval is to check the interceptor frequently after installation and estimate how long it takes the interceptor to fill up to 25 percent with grease and solids. Consulting with a reputable grease hauler can help to determine the appropriate maintenance schedule for your business.

Check the interceptor monthly, at a minimum, and pump out completely at least once every three months. Waiting too long to clean an interceptor can create an odor problem. Dishwasher wastewater is prohibited from being discharged to grease interceptors that are less than 750 gallons due to the higher temperature of dishwater and because detergents keep grease from separating from the water.



OUTDOOR GREASE INTERCEPTOR EXAMPLE

○ GREASE INTERCEPTOR MAINTENANCE



GREASE WASTE HAULER ○

Removal of solids and liquids from a grease interceptor must be performed by a licensed grease hauler or recycler/renderer. Please refer to the *Selecting Reputable Grease Haulers* information sheet for more information on licensed grease haulers. If possible have an employee verify the grease waste hauler has completely pumped all liquids and solids out of the interceptor.

MAINTENANCE RECORDS ○

The grease hauler should record the volume of grease and liquid removed and provide a receipt. Keep receipts from California Department of Food and Agriculture licensed grease waste haulers for two years to demonstrate proper interceptor maintenance.

IF AN OVERFLOW OCCURS ○

Stop water flowing to the interceptor and notify the local sewer agency of the spill by calling 916-875-6730 as soon as possible. You probably will need to call a plumber to clean sewer lines and verify the interceptor is working properly. If cleaning sewer lines clean from the interceptor outlet to the main sewer line in addition to cleaning the lines from the building to the interceptor inlet. This will help avoid future overflows. Prevent outdoor grease over flows from impacting public health and the environment, including storm drains by containing the overflow using dirt if necessary, or another substance, until all grease is cleaned up. Clean any FOG that is on the ground by using absorbent materials, then placing the materials in plastic bags and place in the trash. Never use water to clean FOG spills.

GREASE TRAP MAINTENANCE



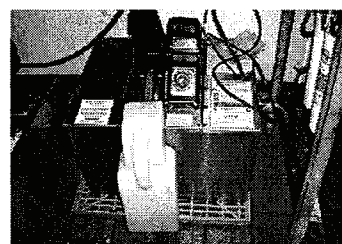
INTRODUCTION

Grease traps require frequent maintenance in order to remove fats, oils and grease (FOG) from wastewater before it enters the sewer. Grease traps are generally under the sink, but can be found in the floor. There are two types of grease traps: manual and automatic.

You should know where your grease trap is located and how to open and maintain it.



Indoor Manual Grease Trap (weekly cleaning)



Indoor Automatic Grease Trap (daily cleaning)

BEST MANAGEMENT PRACTICES

Follow the Proper Disposal of FOG Best Management Practices (BMPs) so that traps do not have to be cleaned as often. Refer to the *Proper Disposal of Fats, Oils and Grease BMPs* instruction sheet for more information.

MAINTENANCE

Automatic indoor grease traps do not clean themselves. Automatic indoor grease traps should be easily accessible and cleaned daily by removing grease and cleaning out the screening baskets. Manual grease traps need to be cleaned at least weekly, but if the trap is more than 25 percent full of grease after one week, the trap should be cleaned more often. Never use hot water, acids, caustics, solvents or emulsifying agents when cleaning grease traps. Dishwashers should not be plumbed to grease traps, because of the higher temperature of dishwater and detergents that keep grease from separating from the water.

DISPOSAL OF GREASE TRAP WASTE

Grease from automatic grease traps can be mixed with used oil and grease that is placed in a recycling bin (i.e. tallow bins). After removing grease from a manual grease trap, solidify by mixing with an absorbent material, such as kitty litter, and bagging before disposing in the trash.

MAINTENANCE RECORDS

Food service employees or cleaning services may maintain indoor grease traps. Maintenance records should be kept for two years to demonstrate proper maintenance of the grease trap. Maintenance records should include who cleaned the trap and on what date.

IF AN OVERFLOW OCCURS

Stop the water flowing to the grease trap, let management know immediately and take immediate action to contain the overflow. The local sewer agency may need to be notified and a plumber called to clean sewer lines and check if the trap is working properly.



○ HOW TO RECYCLE KITCHEN GREASE



INTRODUCTION ○

Picture to come

Recycling used cooking oil and grease from fryers and other cooking equipment keeps fats, oil and grease (FOG) out of the sewer and storm drain systems. The used cooking oil and grease should be collected in sealed bins or sealed containers that can be stored outside. Use a California Department of Food and Agriculture licensed renderer for disposal of recycled kitchen grease. Recycling waste cooking oil helps prolong the life of grease traps and interceptors. Recycled oil is used in animal feed, lubricants, and fuels such as biodiesel. FOG can also be kept out of the sewer and storm drains by solidifying the used grease with absorbent materials in a bag and then place in the trash.

DO'S AND DON'TS OF RECYCLING GREASE ○

- DO train all employees on spill response and reporting procedures, including use of absorbent materials, proper disposal and reporting overflows or spills to management.
- DON'T pour FOG into a sink, floor drain, storm drain, dumpster, plastic bags or on outdoor surfaces or landscaped areas.
- DO save used cooking oil for recycling in sealed bins or sealed containers, by emptying into solid containers that you can easily lift and pour.
- DON'T combine FOG from the manual grease trap or grease interceptor with the recyclable oils and grease.
- DO combine used oil and grease collected from an automatic grease trap with the recycled grease bin/container, but check with the renderer first.
- DON'T wash recycling area or outdoor spills into the sewer or storm drain.
- DO keep bins and containers sealed, tightly closed or locked to prevent illegal dumping and to keep insects, animals, rainwater and wind out, and if the bins and containers are stored outside, keep them under a roof and away from storm drains.

GREASE BIN CLEANING AREA ○

- Grease bin storage areas should be located greater than 30 feet away from a storm drain.
- Keep area clean by using absorbent sweep or mop and put dirty mop water in the mop sink.
- Place used absorbent sweep or cat litter, paper towels or similar materials for cleaning in a plastic bag, and secure the bag before placing in the trash.
- Keep spill clean-up kits containing rags, absorbent sweep, kitty litter, etc., nearby the storage area in an accessible location.
- Keep the exterior of the container clean by using absorbent materials to wipe off any noticeable grease.

QUESTIONS TO ASK A RENDERER ○

- Do you provide the containers for the grease?
- If you provide them, what size are the containers?
- How often will the grease be picked up?

For a list of Sacramento area grease recyclers, refer to the Yellow Pages under "Renderer," or refer to the following list.

Ameriguard Maintenance Services LLC
P.O. Box 9639
Fresno, CA 93993
559-497-2925

Crown By-Products
1350 Report Ave
Stockton, CA 95205
209-462-7300

Darling International
11946 Carpenter Road
Crows Landing, CA 95313
209-667-9153

SRC Pumping
Kiefer Boulevard
Sacramento, CA 95830
916-363-1342

Note: The licensed renderers listed above are listed strictly for reference purposes. The listing is in no way to be considered as an endorsement of their services and/or compliance record. Created November 2006. Updated lists are available at www.stoptheclog.com



To order information on the Fats, Oils and Grease Control Program, please contact: 916-875-FATS or visit:

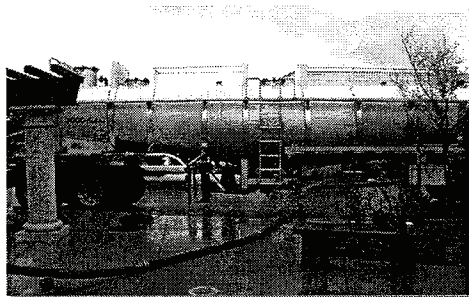
WWW.STOPTHECLOG.COM

○ SELECTING REPUTABLE GREASE HAULERS



INTRODUCTION ○

Restaurant owners and operators are responsible for properly maintaining their outdoor in-ground grease interceptors. A reputable grease hauler can help with maintenance by recommending an appropriate cleaning schedule and notifying you of any mechanical problems with the grease interceptor.



By carefully selecting a grease hauler you should:

- receive the service you paid for
- ensure grease is properly managed
- avoid illegal dumping and under bidding
- reduce the chance of experiencing a sewer overflow
- avoid sewer and stormwater fines or penalties

SERVICES SHOULD INCLUDE ○

Services provided by grease haulers may vary, but at a minimum, should include:

- Complete removal of grease layer, settled solids and wastewater. Do not accept skimming the top layer of grease only, as debris also collects at the bottom of the interceptor.
- A thorough cleaning including removing baffle and lid if possible, scraping the sides, lid and baffles to remove as much of the grease as possible, and replacing the baffle and lid.
- Proper disposal of grease waste and water at an approved location.
- A contract which states disposal will comply with all federal, state and local laws and regulations.
- A receipt with the date and volume removed.

TIPS ○

Ask the hauler/pumper to describe their pumping process. Compare costs of service, availability and scheduling. Average cost of hauling is charged per gallon of waste and costs will vary, so check at least three different companies. Ask other restaurants for their opinions and experiences with grease haulers/recyclers. Witness/observe all activities performed by the grease hauler. If the grease hauler does not provide adequate answers to your questions, you may want to consider interviewing additional grease haulers to provide the service.

For a list of Sacramento area grease haulers/pumpers/recyclers, refer to the Yellow Pages under "Grease Traps," "Grease Haulers," "Septic Tanks and Systems," or refer to the attached list.



○ LICENSED GREASE HAULERS

**A-1 Septic Service**

P.O. Box 762
West Sacramento, CA 95691
(916) 371-4160

**ABC Plumbing, Heating
& Air Conditioning**

205 22nd Street
Sacramento, CA 95816
(916) 448-0801

Ace Plumbing, Heating & Air

4405 Franklin Blvd.
Sacramento, CA 95820
(916) 422-2333

Advanced Septic Service

6513 Auburn Blvd.
Citrus Heights, CA 95621
(916) 726-5150

All Pumping & Septic

1289 Sonoma Avenue
Sacramento, CA 95815
(916) 925-1333

All Valley Environmental Inc.

523 N. Brawley Avenue
Fresno, CA 93706
(559) 498-8378

***Ameriguard Maintenance Services, LLC**

4681 E. Vine Avenue
Fresno, CA 93725
(559) 497-2925

APS Environmental Inc.

6643 32nd Street 103
North Highlands, CA 95660
(916) 454-2000

Best Construction & Maintenance Inc.

8550 Jackson Road
Sacramento, CA 95826
(916) 383-4533

Chucks & Auburn Septic

4504 Yankee Hill Ct.
Rocklin, CA 95677
(916) 624-8500

Cook's Portable Toilets & Septic

1402 Riosa Road
Lincoln, CA 95648
(916) 645-8560

G & C Septic Service

12851 Stockton Blvd.
Galt, CA 95632
(916) 366-1111

Howards Grease Trap Pumping

8185 Cashel Way
Sacramento, CA 95829
(916) 681-0433

Liquid Environmental Solutions of CA

12626 High Bluff Drive, Suite 240
San Diego, CA 92130-2070
(858) 481-8106

Roto Rooter Plumbers

2551 Albatross Way
Sacramento, CA 95815
(916) 482-1422

***Sacramento Rendering Company
dba SRC Pumping Co.**

P.O. Box 276424
Sacramento, CA 95830
(916) 363-4821

Sweet Septic Systems

5701 Mother Lode Drive
Placerville, CA 95667
(916) 622-8768

* Licensed renderer with the California Department of Food and Agriculture

Note: The licensed grease haulers listed above are listed strictly for reference purposes and is in no way to be considered as an endorsement of their services and/or compliance record. Created November 2006, updated lists are available at www.stoptheclog.com.



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WWW.STOPTHECLOG.COM

Owner / Operator – Food Service Establishment Information Sheet

○ REQUIREMENTS FOR NEW AND REMODELED FOOD SERVICE ESTABLISHMENTS



GREASE HAULERS ○

Use a California Department of Food and Agriculture licensed grease waste hauler or recycler for servicing grease interceptors. For a list of Sacramento area licensed grease haulers and recyclers, refer to *Selecting a Reputable Grease Haulers* information sheet, or visit www.stoptheclog.com.

INSPECTIONS, FINES, PENALTIES ○

Your facility may be inspected at any time to ensure proper maintenance of the grease removal equipment and proper disposal of grease waste. If a sanitary sewer overflow occurs, your facility could be held responsible for clean up costs and potentially be assessed fines and penalties.

GREASE REMOVAL DEVICE MANUFACTURERS ○

Areo Power Unitized Fueler Inc.

103 Smithtown Blvd.
Smithtown, NY 11787
Phone: 800-242-AREO
www.areotank.com

Big Dipper® Thermaco, Inc. Sales Affiliates

Phone: 800-633-4204
www.big-dipper.com

Grease Gard

FOG Environmental, LLC
P.O. Box 939
Newberg, OR 97132
Phone: 888-364-3684
www.greasegard.com

Jensen Precast

14221 San Bernardino Ave
Fontana, CA 92335
Phone: 909-350-4111
Phone: 800-257-6100

Light Commercial Products

2640 South Work Street
Falconer, NY 14733-1716
Phone: 716-665-1132
Fax: 716-665-1135
www.zurn.com

Oldcastle Precast Group

www.oldcastle-precast.com
Pleasanton, CA
Phone: 925-846-8183

Worldstone, Inc.

55 Messina Drive, PO Box 850696,
Braintree, MA 02185
Phone: 781-380-0710
Fax: 781-848-9290
Toll Free: 866-2-SWATCH (279-2824)
www.worldstoneinc.com

Note: The grease removal device manufacturers listed above are listed strictly for reference purposes. The listing is in no way to be considered as an endorsement of their services and/or compliance record.



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WWW.STOPTHECLOG.COM